

By: Springer

S.B. No. 1731

A BILL TO BE ENTITLED

AN ACT

1
2 relating to election integrity; creating a criminal offense;
3 increasing a criminal penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 61.008(a), Election Code, is amended to
6 read as follows:

7 (a) A person commits an offense if the person indicates to a
8 voter in a polling place by word, sign, or gesture how the person
9 desires the voter to vote or not vote, or if the person offers or
10 gives a nonmonetary gift to a voter at a polling place or to a person
11 assisting the voter under Subchapter B, Chapter 64.

12 SECTION 2. Section 84.001(b), Election Code, is amended to
13 read as follows:

14 (b) An application must be in writing and signed by the
15 applicant using ink on paper. An electronic signature or
16 photocopied signature is not permitted.

17 SECTION 3. Subchapter A, Chapter 84, Election Code, is
18 amended by adding Section 84.0011 to read as follows:

19 Sec. 84.0011. SOLICITATION OF BALLOT BY MAIL APPLICATIONS
20 PROHIBITED. The early voting clerk may make no attempt to solicit a
21 person to complete an application for an early voting ballot by
22 mail, whether directly or through a third party.

23 SECTION 4. Section 84.004, Election Code, is amended by
24 amending Subsection (e) and adding Subsection (f) to read as

1 follows:

2 (e) An offense under this section is a state jail felony
3 [~~Class B misdemeanor~~].

4 (f) An early voting clerk who is aware of or is in possession
5 of evidence that an offense under this section has been committed
6 shall promptly notify a law enforcement agency and retain the
7 evidence.

8 SECTION 5. Subchapter A, Chapter 84, Election Code, is
9 amended by adding Section 84.0111 to read as follows:

10 Sec. 84.0111. PROHIBITION ON DISTRIBUTION OF OFFICIAL
11 APPLICATION FORM. Unless otherwise authorized by this code, an
12 officer or employee of this state or of a political subdivision of
13 this state may not distribute an official application form for an
14 early voting ballot to be voted by mail to a person.

15 SECTION 6. Section 86.002(d), Election Code, is amended to
16 read as follows:

17 (d) The secretary of state shall prescribe instructions to
18 be printed on the balloting materials for the execution and return
19 of a statement of residence. The instructions must include an
20 explanation of the circumstances under which the ballot must be
21 rejected with respect to the statement and instructions on how to
22 cure a rejected ballot in accordance with Chapter 87.

23 SECTION 7. Section 86.005(c), Election Code, is amended to
24 read as follows:

25 (c) After marking the ballot, the voter must place it in the
26 official ballot envelope and then seal the ballot envelope, place
27 the ballot envelope in the official carrier envelope and then seal

1 the carrier envelope, and sign the certificate on the carrier
2 envelope. An electronic signature is not permitted.

3 SECTION 8. Chapter 86, Election Code, is amended by adding
4 Section 86.00511 to read as follows:

5 Sec. 86.00511. UNLAWFULLY WITNESSING CARRIER ENVELOPE FOR
6 MORE THAN ONE VOTER. (a) A person commits an offense if the person
7 acts as a witness for a voter in signing the certificate on the
8 carrier envelope for more than one voter in an election.

9 (b) An offense under this section is a state jail felony.

10 (c) Each application signed by the witness in violation of
11 this section constitutes a separate offense.

12 (d) This section does not apply if the person is related to
13 the voter within the second degree by affinity or the third degree
14 by consanguinity, as determined under Subchapter B, Chapter 573,
15 Government Code, or was physically living in the same dwelling as
16 the voter at the time of the event.

17 (e) An early voting clerk who is aware of or is in possession
18 of evidence that an offense under this section has been committed
19 shall promptly notify a law enforcement agency and retain the
20 evidence.

21 SECTION 9. Section 86.0052(a), Election Code, is amended to
22 read as follows:

23 (a) A person commits an offense if the person:

24 (1) compensates another person for depositing the
25 carrier envelope in the mail or with a common or contract carrier as
26 provided by Section 86.0051(b) [~~as part of any performance-based~~
27 ~~compensation scheme based on the number of ballots deposited or in~~

1 ~~which another person is presented with a quota of ballots to deposit~~
2 ~~as provided by Section 86.0051(b)];~~

3 (2) engages in another practice that causes another
4 person's compensation from or employment status with the person to
5 be dependent on the number of ballots deposited as provided by
6 Section 86.0051(b); or

7 (3) with knowledge that accepting compensation for
8 such activity is illegal, accepts compensation for an activity
9 described by Subdivision (1) or (2).

10 SECTION 10. Subchapter A, Chapter 87, Election Code, is
11 amended by adding Section 87.007 to read as follows:

12 Sec. 87.007. SIGNATURE VERIFICATION TRAINING. (a) The
13 secretary of state shall:

14 (1) develop a training course and uniform standards
15 for the process of signature comparison and verification under this
16 chapter; and

17 (2) ensure that the training course is made available
18 to any person who has a duty to examine signatures under this
19 chapter.

20 (b) The secretary of state shall adopt rules as necessary to
21 implement this section.

22 SECTION 11. Subchapter B, Chapter 87, Election Code, is
23 amended by adding Section 87.0271 to read as follows:

24 Sec. 87.0271. NOTICE TO VOTER OF REJECTED BALLOT: SIGNATURE
25 VERIFICATION COMMITTEE. (a) This section applies to an early voting
26 ballot voted by mail:

27 (1) for which the voter did not sign the carrier

1 envelope certificate;

2 (2) for which it cannot immediately be determined
3 whether the signature on the carrier envelope certificate is that
4 of the voter;

5 (3) missing any required statement of residence; or

6 (4) containing incomplete information with respect to
7 a witness.

8 (b) Immediately after rejecting a timely delivered ballot
9 under Section 87.027, the signature verification committee shall
10 notify the voter of the defect by mail. The notice must be
11 accompanied by the rejected ballot and must inform the voter that
12 the voter may come to the early voting clerk's office in person to
13 request to have the voter's application to vote by mail canceled
14 under Section 84.032.

15 (c) A voter whose ballot is rejected under Section 87.027
16 may attempt to cure the defective ballot by:

17 (1) appearing at the office of the early voting clerk
18 not later than 5:00 p.m. on the fourth business day after the
19 election;

20 (2) presenting the rejected ballot and the notice
21 received by the voter under Subsection (b); and

22 (3) executing an affidavit that the voter has not
23 voted in the election.

24 (d) Notice under this section may not be given in person, by
25 e-mail, or by telephone.

26 (e) The secretary of state may prescribe any procedures
27 necessary to implement this section.

1 SECTION 12. Subchapter C, Chapter 87, Election Code, is
2 amended by adding Section 87.0411 to read as follows:

3 Sec. 87.0411. NOTICE TO VOTER OF REJECTED BALLOT: EARLY
4 VOTING BALLOT BOARD. (a) This section applies to an early voting
5 ballot voted by mail:

6 (1) for which the voter did not sign the carrier
7 envelope certificate;

8 (2) for which it cannot immediately be determined
9 whether the signature on the carrier envelope certificate is that
10 of the voter;

11 (3) missing any required statement of residence; or

12 (4) containing incomplete information with respect to
13 a witness.

14 (b) Immediately after rejecting a timely delivered ballot
15 under Section 87.041, the early voting ballot board shall notify
16 the voter of the defect by mail. The notice must be accompanied by
17 the rejected ballot and must inform the voter that the voter may
18 cure the voter's rejected ballot at the early voting clerk's office
19 as provided by this section.

20 (c) A voter whose ballot is rejected under Section 87.041
21 may attempt to cure the defective ballot by:

22 (1) appearing at the office of the early voting clerk
23 not later than 5:00 p.m. on the fourth business day after the
24 election;

25 (2) presenting the rejected ballot and the notice
26 received by the voter under Subsection (b); and

27 (3) executing an affidavit that the voter has not

1 voted in the election.

2 (d) Notice under this section may not be given in person, by
3 e-mail, or by telephone.

4 (e) The secretary of state may prescribe any procedures
5 necessary to implement this section.

6 SECTION 13. The changes in law made by this Act apply only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 governed by the law in effect on the date the offense was committed,
10 and the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 14. This Act takes effect September 1, 2021.